

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THOMAS J. TROUBA,

Defendant.

**8:20-CR-316**

**FORFEITURE HEARING ORDER**

**1. HEARING DATE**

A criminal forfeiture hearing in this matter is set on **October 31, 2022, at 9:00 a.m.** in Court Courtroom #5, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska 68102. Because this is a criminal proceeding, Defendant must be present in person.

**2. PRE-HEARING SUBMISSIONS**

**A.** At least seven (7) days before the date of the forfeiture hearing, counsel for the government and the defendant<sup>1</sup> shall electronically file the following documents with the Clerk of the Court:

1. Witness list
2. Exhibit list

The United States is required to submit a brief outlining the anticipated evidence and testimony and why a criminal forfeiture is warranted in this case. Defendant, may, but is not required to, file a brief stating his position.

**In addition to electronically filing the above documents, a copy of the witness list and exhibit list shall be e-mailed as attachments in Word format to the chambers at the following address: Buescher@ned.uscourts.gov.**

**B.** The Court expects any required pre-hearing submissions to be submitted by the deadline in the absence of a defense-filed motion to continue. Neither a verbal agreement between counsel nor notice to court staff that the parties expect a continuance to be filed is sufficient

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<sup>1</sup> The Court has not located any caselaw indicating that requiring the defendant to produce these materials prior to a criminal forfeiture hearing is not appropriate under applicable rules or law. If the defendant has an objection to providing these materials prior to the hearing, the defendant may file an objection explaining, under applicable caselaw, statutes, or rules, why he should not be required to provide these materials in advance of the criminal forfeiture hearing.

to relieve any pre-hearing filing obligations. Attorneys who fail to comply with this Court's order may be subject to appropriate sanctions.

### **3. DISCOVERY MATERIAL**

#### **A. Depositions:**

**Proponent:** The proponent of a deposition to be used at the hearing shall deliver a copy of the deposition to Judge Buescher's chambers and to opposing counsel at least seven (7) days before the hearing. If less than the entire deposition will be offered, the proponent shall deliver: (1) a list or index designating by page and line(s) the testimony to be offered, and (2) a copy of the entire deposition with highlighted parts to be offered.

**Objections:** A list or index of objections to another party's designated deposition testimony shall be delivered to Judge Buescher's chambers before the hearing and shall identify by page and line the location of the objection and shall identify the precise nature of the objection.

#### **B. Videotaped Depositions**

**Proponent:** Videotaped depositions shall be delivered to Judge Buescher's chambers and to opposing counsel as stated in the previous paragraph. The proponent shall provide a transcript with the prospective testimony indexed and highlighted as stated in the previous paragraph.

**Objections:** A list or index of objections to another party's designated videotaped testimony shall be delivered to Judge Buescher's chambers as stated in paragraph 3.A. The Court may require editing of the videotape in response to pre-hearing rulings on objections.

### **4. EXHIBITS**

#### **A. Court's Copies:**

Each proponent of exhibits shall prepare a three-ring binder containing a copy of each exhibit to be offered. The binder shall be organized by dividers and tabs for quick retrieval of an exhibit during the hearing and shall be delivered to chambers no later than seven (7) days before the scheduled date of the hearing.

Each proponent of exhibits must also provide a .pdf or other electronic copy of exhibits with the copy labeled as described below in 5(C) so the Court can electronically save and refer to the exhibits at the hearing. The exhibits should be e-mailed or otherwise provided to Courtroom Deputy Tracy McKibben no later than seven (7) days before the scheduled date of the hearing: [tracy\\_mckibben@ned.uscourts.gov](mailto:tracy_mckibben@ned.uscourts.gov).

## **5. WITNESS LIST**

A party's witness list shall include the full name of each witness. Witnesses who do not appear to testify when scheduled will be considered withdrawn. To avoid redaction issues, witnesses should be instructed not to give their exact addresses during the hearing.

## **6. REQUESTS FOR INTERPRETERS OR COURTROOM EQUIPMENT**

Requests for the services of a court interpreter should follow the deadlines set forth in NECrimR [28.2](#).

Please notify the courtroom deputy before the hearing if you request the use of any of the courtroom technology and if you need to schedule a time for training. More information is available on the web at [www.ned.uscourts.gov](http://www.ned.uscourts.gov). Court technology installed in Judge Buescher's courtroom is as follows: wireless Internet access, a large flat screen television, attorney and witness screens with annotation abilities, jury box with monitors for viewing evidence, document camera, annotation monitors, DVD player (please check your file types), assisted listening devices, video conferencing, telephone conferencing, and table interface at attorney tables to allow connection to laptops for displaying digital documents, video, etc. through the courtroom multimedia system.

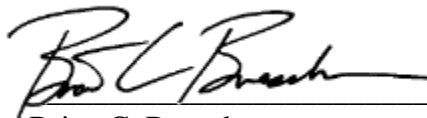
## **7. CONDUCT AT THE HEARING**

The hearing will commence at 9:00 a.m. unless otherwise ordered. Examination of witnesses will be by direct, cross, and redirect examination. There will be no recross unless authorized by the Court.

**IT IS SO ORDERED.**

Dated this 6th day of October, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher  
United States District Judge